

TYPES OF EMPLOYMENT

The following table identifies special classes of employment and whether the type of employment is subject to California payroll taxes. For additional information on the taxability for a particular type of employment, refer to the Code* section(s) noted under the specific tax. If you have questions regarding an individual's proper status in working for/with you, please contact the Taxpayer Assistance Center at 888-745-3886.

In addition to this table, the Employment Development Department (EDD) has prepared the *Information Sheet: Types of Payments* (DE 231TP) and information sheets for specific industries, types of services, or types of payments.

To obtain the information sheets, access the EDD website at

www.edd.ca.gov/Payroll_Taxes/Forms_and_Publications.htm, or contact the Taxpayer Assistance Center at 888-745-3886. If outside the United States or Canada, call 916-464-3502.

*Code references: California Code of Regulations (CCR), California Unemployment Insurance Code (CUIC), Internal Revenue Code (IRC), Education Code, and the United States Code (USC).

Types of Employment	TREATMENT FOR TAX PURPOSES			
	Unemployment Insurance and Employment Training Tax ¹	State Disability Insurance	Personal Income Tax Withholding	Personal Income Tax Wages
Agricultural Labor Also refer to the federal Agricultural Employer's Tax Guide Internal Revenue Service (IRS) (Publication 51, Circular A).	Subject Section 611 of the CUIC	Subject Section 611 of the CUIC	Not subject ² Section 13009(a) of the CUIC	Reportable Section 13009.5 of the CUIC
Artists and Authors: A. Common law employees.	Subject Section 621(b) of the CUIC	Subject Section 621(b) of the CUIC	Subject Section 13009 of the CUIC	Reportable Section 13009.5 of the CUIC
B. Statutory employees hired for specific work in the motion picture, radio, or television industry. Refer to <i>Information Sheet: Statutory Employees</i> (DE 231SE).	Subject Sections 601.5 and 621(d) of the CUIC	Subject Sections 601.5 and 621(d) of the CUIC	Not subject Section 4304-1 of Title 22, CCR	Not reportable Section 13009.5 of the CUIC
C. Statutory employees hired as author of a commissioned or specific ordered work agreed in signed contract to be a "work made for hire," as defined in Section 101 of Title 17, USC. Refer to <i>Information Sheet: Statutory Employees</i> (DE 231SE).	Subject Sections 621(d) and 686 of the CUIC	Subject Sections 621(d) and 686 of the CUIC	Not subject Section 4304-1 of Title 22, CCR	Not reportable Section 13009.5 of the CUIC

See page 15 for endnotes.

Types of Employment	TREATMENT FOR TAX PURPOSES			
	Unemployment Insurance and Employment Training Tax ¹	State Disability Insurance	Personal Income Tax Withholding	Personal Income Tax Wages
Automotive Repair Industry Refer to <i>Information Sheet: Automotive Repair Industry</i> (DE 231B).	Subject Section 621(b) of the CUIC	Subject Section 621(b) of the CUIC	Subject Section 13009 of the CUIC	Reportable Section 13009.5 of the CUIC
Barber and Beauty Shops Refer to <i>Information Sheet: Barbering and Cosmetology Industry</i> (DE 231C).	Subject Section 621(b) of the CUIC	Subject Section 621(b) of the CUIC	Subject Section 13009 of the CUIC	Reportable Section 13009.5 of the CUIC
Baseball Players	Subject unless under agreement to perform for expenses and a share of the profits of the club. Section 653 of the CUIC	Subject unless under agreement to perform for expenses and a share of the profits of the club. Section 653 of the CUIC	Subject Section 13009 of the CUIC	Reportable Section 13009.5 of the CUIC
Brokers and/or Salespersons (does not apply to nonprofit or public agencies): A. Gas, oil, or mineral. B. Real estate. C. Yacht. D. Cemetery.	Not subject if all three of the conditions in endnote 3 are met. Section 650 of the CUIC Not subject if all three of the conditions in endnote 3 are met. Section 650 of the CUIC	Not subject if all three of the conditions in endnote 3 are met. Section 650 of the CUIC Not subject if all three of the conditions in endnote 3 are met. Section 650 of the CUIC	Not subject if all three of the conditions in endnote 3 are met. Section 13004.1 of the CUIC Subject if common law employee. Section 13009 of the CUIC	Not reportable if all three of the conditions in endnote 3 are met. Section 13004.1 of the CUIC Reportable if common law employee. Section 13009.5 of the CUIC
Casual Labor: Refer to <i>Information Sheet: Casual Labor</i> (DE 231K). A. Part-time or temporary workers.	Subject Section 621(b) of the CUIC	Subject Section 621(b) of the CUIC	Subject Section 13009 of the CUIC	Reportable Section 13009.5 of the CUIC
B. Service not in the course of employer's trade or business: <ul style="list-style-type: none"> Noncash payments (e.g., meals and lodging). 	Not subject Section 936 of the CUIC	Not subject Section 936 of the CUIC	Not subject Section 13009(h) of the CUIC	Not reportable Section 13009.5 of the CUIC

See page 15 for endnotes.

Types of Employment	TREATMENT FOR TAX PURPOSES			
	Unemployment Insurance and Employment Training Tax ¹	State Disability Insurance	Personal Income Tax Withholding	Personal Income Tax Wages
Casual Labor: (cont.) B. Service not in the course of employer's trade or business.(cont.) <ul style="list-style-type: none"> Cash payments. 	Subject only if \$50 or more is paid in a quarter and employee works some part of 24 or more different days in that quarter or on 24 or more days in the preceding quarter. Section 640 of the CUIC	Subject only if \$50 or more is paid in a quarter and employee works some part of 24 or more different days in that quarter or on 24 or more days in the preceding quarter. Section 640 of the CUIC	Subject only if \$50 or more is paid in a quarter and employee works some part of 24 or more different days in that quarter or on 24 or more days in the preceding quarter. Section 13009(c) of the CUIC	Reportable only if \$50 or more is paid in a quarter and employee works some part of 24 or more different days in that quarter or on 24 or more days in the preceding quarter. Section 13009.5 of the CUIC
Construction Contractors Refer to <i>Information Sheet: Construction Industry</i> (DE 231G).	Subject unless contractor has a valid contractor's license and is not a common law employee. Sections 621(b) or 621.5 of the CUIC	Subject unless contractor has a valid contractor's license and is not a common law employee. Sections 621(b) or 621.5 of the CUIC	Subject unless contractor has a valid contractor's license and is not a common law employee. Sections 13009 or 13004.5 of the CUIC	Reportable unless contractor has a valid contractor's license and is not a common law employee. Section 13009.5 of the CUIC
Election Campaign Workers for candidates or committees. Refer to <i>Information Sheet: Election Campaign Workers</i> (DE 231V).	Not subject Section 636 of the CUIC	Not subject Section 636 of the CUIC	Subject Section 13009 of the CUIC	Reportable Section 13009.5 of the CUIC
Election Officials or Election Workers	Subject if the individual's remuneration reasonably expected to be received during the calendar year for such service will be \$1,000 or more. Section 634.5(c)(7) of the CUIC	Generally not subject, unless an elective coverage agreement is in place. Sections 605 and 2606 of the CUIC	Not subject Considered a fee paid to a public official. Section 13009 of the CUIC and Section 4309-2(b)(2) of Title 22, CCR	Not reportable Considered a fee paid to a public official. Section 13009.5 of the CUIC

See page 15 for endnotes.

Types of Employment	TREATMENT FOR TAX PURPOSES			
	Unemployment Insurance and Employment Training Tax ¹	State Disability Insurance	Personal Income Tax Withholding	Personal Income Tax Wages
Family Employees Minor child under 18 employed by a father or mother; an individual employed by spouse, registered domestic partner, son, or daughter. Refer to <i>Information Sheet: Family Employment</i> (DE 231FAM) and <i>Information Sheet: Specialized Coverage</i> (DE 231SC).	Not subject only applies to sole proprietorships and partnerships. Section 631 of the CUIC	Not subject unless an approved elective coverage agreement is in effect. (This only applies to sole proprietorships and partnerships.) Section 631 of the CUIC	Subject Section 13009 of the CUIC	Reportable Section 13009.5 of the CUIC
Federal Employees: A. Members of the U.S. Armed Forces. B. Federal civilian employees.	Not subject Section 632 of the CUIC	Not subject Section 632 of the CUIC	Subject if stationed in and domiciled in California; both conditions must be present. Section 4305-1(d) of Title 22, CCR	Reportable if stationed in and domiciled in California; both conditions must be present. Section 13009.5 of the CUIC
	Not subject Certain nonprofit organizations which are instrumentalities of the federal government pay cost of benefits. Section 632 of the CUIC	Not subject Section 632 of the CUIC	Subject Section 4305-1(d) of Title 22, CCR	Reportable Section 13009.5 of the CUIC
Fishing and Related Activities Refer to <i>Information Sheet: Commercial Fishing</i> (DE 231CF).	Subject Section 621(b) of the CUIC	Subject Section 621(b) of the CUIC	Not subject Section 13009(j) of the CUIC	Not reportable Section 13009.5 of the CUIC
Foreign Government and International Organizations	Not subject Sections 643, 644, and 644.5 of the CUIC	Not subject Sections 643, 644, and 644.5 of the CUIC	Not subject Section 13009(d) of the CUIC	Not reportable Section 13009.5 of the CUIC

See page 15 for endnotes.

Types of Employment	TREATMENT FOR TAX PURPOSES			
	Unemployment Insurance and Employment Training Tax ¹	State Disability Insurance	Personal Income Tax Withholding	Personal Income Tax Wages
Foreign Service Performed by a U.S. Citizen: A. U.S. Government employee. B. For an American employer or a foreign subsidiary of U.S. corporation or other private employer. Refer to <i>Information Sheet: Foreign Employment and Employment on American Vessels or Aircraft</i> (DE 231FE).	Not subject Section 632 of the CUIC	Not subject Section 632 of the CUIC	Subject if employee is a California resident. Section 13009 of the CUIC	Reportable if employee is a California resident. Section 13009.5 of the CUIC
	Subject if the conditions in endnote 4 are met. Section 610 of the CUIC	Subject if the conditions in endnote 4 are met. Section 610 of the CUIC	Subject if California resident paid by employer who pays California wages, does business in California, derives California income or is subject to laws of California. Sections 13005 and 13009 of the CUIC	Reportable if employee is a California resident and the conditions in endnote 4 are met. Section 13009.5 of the CUIC
Golf Caddies	Not subject Section 651 of the CUIC	Not subject Section 651 of the CUIC	Subject Section 13009 of the CUIC	Reportable Section 13009.5 of the CUIC
Homeworkers (Industrial): A. Common law employees Refer to <i>Information Sheet: Employment</i> (DE 231). B. Statutory employees Refer to <i>Information Sheet: Statutory Employees</i> (DE 231SE).	Subject Section 621(b) of the CUIC	Subject Section 621(b) of the CUIC	Subject Section 13009 of the CUIC	Reportable Section 13009.5 of the CUIC
	Subject Section 621(c)(1)(C) of the CUIC	Subject Section 621(c)(1)(C) of the CUIC	Not subject Section 4304-1 of Title 22, CCR	Not reportable Section 13009.5 of the CUIC
Hotel and Restaurant Industries Refer to <i>Information Sheet: Restaurant and Hotel Industries</i> (DE 231E).	Subject Section 621(b) of the CUIC	Subject Section 621(b) of the CUIC	Subject Section 13009 of the CUIC	Reportable Section 13009.5 of the CUIC

See page 15 for endnotes.

Types of Employment	TREATMENT FOR TAX PURPOSES			
	Unemployment Insurance and Employment Training Tax ¹	State Disability Insurance	Personal Income Tax Withholding	Personal Income Tax Wages
Household (Domestic) Employment In private homes, local college clubs, fraternities, and sororities. Refer to <i>Information Sheet: Household Employment</i> (DE 231L), <i>Household Employer's Guide</i> (DE 8829), and the federal Household Employer's Tax Guide (IRS Publication 926).	Subject for the remainder of the calendar year and the following calendar year once \$1,000 or more in cash is paid in any calendar quarter for household services. Sections 629, 639, and 682 of the CUIC	Subject for the remainder of the calendar year and the following calendar year once \$750 or more in cash is paid in any calendar quarter for household services. Sections 684 and 2606.5 of the CUIC	Not subject ² Section 13009(b) of the CUIC	Reportable if otherwise required to register with the EDD. Section 13009.5 of the CUIC
Interns Working in Hospitals (Also, refer to "Students" item D Nurse working for a hospital or nursing school.)	Not subject Section 645 of the CUIC	Not subject Section 645 of the CUIC unless employed by a nonprofit or district hospital. Section 2606 of the CUIC	Subject Section 13009 of the CUIC	Reportable Section 13009.5 of the CUIC
Janitors (Business Services Industry) Refer to <i>Information Sheet: Service Industries</i> (DE 231I).	Subject Section 621(b) of the CUIC	Subject Section 621(b) of the CUIC	Subject Section 13009 of the CUIC	Reportable Section 13009.5 of the CUIC
Jockeys or Exercise Persons working freelance, if licensed by the California Horse Racing Board.	Not subject Section 654 of the CUIC	Not subject Section 654 of the CUIC	Subject if a common law employee. Section 13009 of the CUIC	Reportable if a common law employee. Section 13009.5 of the CUIC
Manufacturing Industry	Subject Section 621(b) of the CUIC	Subject Section 621(b) of the CUIC	Subject Section 13009 of the CUIC	Reportable Section 13009.5 of the CUIC
Member of a Limited Liability Company (LLC) Refer to <i>Information Sheet: Limited Liability Entities</i> (DE 231LLC) A. Any member of an LLC treated as a corporation for federal income tax purposes.	Subject Section 621(f) of the CUIC	Subject Section 621(f) of the CUIC	Subject if the compensation is deductible under Section 162 of the IRC Section 13009 of the CUIC	Reportable if the compensation is deductible under Section 162 of the IRC Section 13009.5 of the CUIC

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Types of Employment	TREATMENT FOR TAX PURPOSES			
	Unemployment Insurance and Employment Training Tax ¹	State Disability Insurance	Personal Income Tax Withholding	Personal Income Tax Wages
Member of a Limited Liability Company (LLC): (cont.) B. Any member of an LLC treated as a partnership for federal income tax purposes.	Not subject Section 623 of the CUIC	Not subject Section 623 of the CUIC	Subject, if a common law employee. Sections 13004 and 13009 of the CUIC	Reportable, if a common law employee. Section 13009.5 of the CUIC
Ministers of churches and members of religious orders, performing duties as such, may elect coverage. Refer to <i>Information Sheet: Specialized Coverage</i> (DE 231SC).	Not subject Section 634.5(b) of the CUIC	Not subject unless an approved elective coverage agreement is in effect. Section 634.5(b) of the CUIC	Not subject ² Section 13009(f) of the CUIC	Reportable if otherwise required to register with the EDD. Section 13009.5 of the CUIC
Multistate Employment Refer to <i>Information Sheet: Multistate Employment</i> (DE 231D).	Subject Section 602 and 603 of the CUIC	Subject Section 602 and 603 of the CUIC	Go to www.edd.ca.gov/pdf_pub_ctr/de231d.pdf	Go to www.edd.ca.gov/pdf_pub_ctr/de231d.pdf
Newspaper Carriers under 18 years old delivering to consumers.	Not subject if not regular, full-time work. Sections 634.5(g) and 649(a) of the CUIC	Not subject if not regular, full-time work. Sections 634.5(g) and 649(a) of the CUIC	Not subject ² Section 13009(g)(1) of the CUIC	Not reportable Section 13009.5 of the CUIC
Newspaper and Magazine Vendors buying at fixed prices and retaining excess from sales to consumers.	Not subject Sections 634.5(h) and 649(b) of the CUIC	Not subject Sections 634.5(h) and 649(b) of the CUIC	Not subject Section 13009(g)(2) of the CUIC	Not reportable Section 13009.5 of the CUIC
Nonprofit Organization Employees: Refer to <i>Information Sheet: Nonprofit and/or Public Entities</i> (DE 231NP). A. Churches, conventions, or associations of churches, or religious organizations which are operated primarily for religious purposes and operated, supervised, controlled, or principally supported by a church, convention, or association of churches. (Also refer to Ministers and members of religious orders.)	Not subject Section 634.5(a) of the CUIC	Not subject Sections 634.5(a) and 645 of the CUIC, unless employed by a nonprofit hospital Section 2606 of the CUIC or while an approved elective coverage agreement is in effect.	Subject Section 13009 of the CUIC (except ministers and members of religious orders)	Reportable Section 13009.5 of the CUIC

See page 15 for endnotes.

Types of Employment	TREATMENT FOR TAX PURPOSES			
	Unemployment Insurance and Employment Training Tax ¹	State Disability Insurance	Personal Income Tax Withholding	Personal Income Tax Wages
Nonprofit Organization Employees: (cont.)				
B. Elected or appointed officials of nonprofit fraternal organizations earning less than \$100 per month.	Not subject Section 652 of the CUIC	Not subject Section 652 of the CUIC	Subject Section 13009 of the CUIC	Reportable Section 13009.5 of the CUIC
C. All other nonprofit organizations exempt under Section 501(c)(3) of the IRC except those under "A" and "B" above.	Subject (Employees earning less than \$50 in any quarter are exempt.) Section 641 of the CUIC	Subject (Employees earning less than \$50 in any quarter are exempt.) Section 641 of the CUIC	Subject Section 13009 of the CUIC	Reportable Section 13009.5 of the CUIC
D. All other organizations exempt under Section 501(a) of the IRC other than a pension, profit-sharing, or stock bonus plan described in Section 401(a) of the IRC or under Section 521 of the IRC.	Subject Section 608 of the CUIC	Subject Section 608 of the CUIC	Subject Section 13009 of the CUIC	Reportable Section 13009.5 of the CUIC
Nonresidents of California:				
A. U.S. Residents:				
• Service performed in California.	Subject Section 601 of the CUIC	Subject Section 601 of the CUIC	Subject Section 13009 of the CUIC	Reportable Section 13009.5 of the CUIC
• Service performed outside U.S.	Subject if employee is a U.S. citizen, and the employer's principal place of business in U.S. is in California. ⁴ Section 610 of the CUIC	Subject if employee is a U.S. citizen, and the employer's principal place of business in U.S. is in California. ⁴ Section 610 of the CUIC	Not subject Section 13009 of the CUIC	Not reportable Section 13009.5 of the CUIC

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Types of Employment	TREATMENT FOR TAX PURPOSES			
	Unemployment Insurance and Employment Training Tax ¹	State Disability Insurance	Personal Income Tax Withholding	Personal Income Tax Wages
Nonresidents of California: (cont.) B. Aliens Working in California: <ul style="list-style-type: none"> Residents of Canada or Mexico entering California frequently in transportation service across the border. Residents of Canada or Mexico entering California frequently for construction, maintenance, or operation of waterway, bridge, etc., traversing the border. Residents of any foreign country entering California frequently, employed wholly within California. Workers from any foreign country or its possession lawfully admitted on a temporary basis to perform agricultural labor. Students, scholars, trainees, or teachers as nonimmigrant aliens under sections of the Immigration and Nationality Act (INA).⁶ Professional athlete, in California for occasional or incidental engagements. 	Subject (unless railroad service) Section 621(b) of the CUIC	Subject (unless railroad service) Section 621(b) of the CUIC	Not subject Section 13009(e) of the CUIC and Section 4309-2(f)(2)(A) of Title 22, CCR	Not reportable Section 13009.5 of the CUIC
	Subject Section 621(b) of the CUIC	Subject Section 621(b) of the CUIC	Not subject Section 4309-2(f)(2)(B) of CCR, Title 22	Not reportable Section 13009.5 of the CUIC
	Subject Section 621(b) of the CUIC	Subject Section 621(b) of the CUIC	Subject Section 13009 of the CUIC	Reportable Section 13009.5 of the CUIC
	Subject Section 611 of the CUIC	Subject Section 611 of the CUIC	Not subject ² Section 13009(a) of the CUIC	Reportable Section 13009.5 of the CUIC
	Subject unless excluded per Section 642 of the CUIC or if a nonresident nonimmigrant temporarily residing in U.S. performs services for a Section 608 of the CUIC nonprofit employer to carry out the purpose specified in the employee's "F," "J," "M," or "Q" type visa.	Subject unless excluded per Section 642 of the CUIC or if a nonresident nonimmigrant temporarily residing in the U.S. performs services for a Section 608 of the CUIC nonprofit employer to carry out the purpose specified in the employee's "F," "J," "M," or "Q" type visa.	Subject unless exempted by regulations or treaty with a foreign government. Treaty must specify exemption from "State or local taxes." Section 13009(e) of the CUIC	Reportable Section 13009.5 of the CUIC
	Not subject Section 655 of the CUIC	Not subject Section 655 of the CUIC	Subject Section 13009 of the CUIC	Reportable Section 13009.5 of the CUIC

See page 15 for endnotes.

Types of Employment	TREATMENT FOR TAX PURPOSES			
	Unemployment Insurance and Employment Training Tax ¹	State Disability Insurance	Personal Income Tax Withholding	Personal Income Tax Wages
Officer of a Corporation performing services as an employee: A. Corporation subject to Federal Unemployment Tax Act (FUTA). Refer to <i>Sole Shareholder/Corporate Officer Exclusion Statement</i> (DE 459). B. Corporation not subject to FUTA.	Subject Section 621(a) of the CUIC	Subject unless sole shareholder or only shareholder other than his/her spouse or registered domestic partner and has filed an exclusion for SDI (DE 459). Sections 621(a) and 637.1 of the CUIC	Subject unless agricultural labor. Sections 13009 and 13009(a) of the CUIC	Reportable Section 13009.5 of the CUIC
	Subject unless excluded as an officer and/or director who is sole shareholder or the only shareholder other than his/her spouse or registered domestic partner. Section 637 of the CUIC	Subject unless excluded as an officer and/or director who is the sole shareholder or the only shareholder other than his/her spouse. Section 637 of the CUIC	Subject unless agricultural labor. Sections 13009 and 13009(a) of the CUIC	Reportable if otherwise required to register with the EDD. Section 13009.5 of the CUIC
Patients employed by hospitals.	Not subject Section 647 of the CUIC	Not subject unless nonprofit or district hospital. Sections 647 and 2606 of the CUIC	Subject Section 13009 of the CUIC	Reportable Section 13009.5 of the CUIC
Private Postsecondary School Intermittent and Adjunct Instructors Services must be performed for an institution that meets the requirements of the Education Code, Article 9 (commencing with Section 94900), Chapter 8, Part 59.	Subject Section 621(b) of the CUIC	Not subject if the conditions in endnote 5 are met. Section 633 of the CUIC	Not subject if the conditions in endnote 5 are met. Section 13009(r) of the CUIC	Not reportable if the conditions in endnote 5 are met. Section 13009.5 of the CUIC

See page 15 for endnotes.

Types of Employment	TREATMENT FOR TAX PURPOSES			
	Unemployment Insurance and Employment Training Tax ¹	State Disability Insurance	Personal Income Tax Withholding	Personal Income Tax Wages
Public Entity Employees of cities and counties, local public agencies, and schools. Refer to <i>Information Sheet: Nonprofit and/or Public Entities</i> (DE 231NP) and <i>Information Sheet: Specialized Coverage</i> (DE 231SC).	Subject Section 605 of the CUIC	Not subject unless employed by a district hospital or public housing administration agency operated by state or local governmental subdivisions or an approved elective coverage agreement is in effect. Sections 605 and 2606 of the CUIC	Subject Section 13009 of the CUIC	Reportable Section 13009.5 of the CUIC
Restaurant and Hotel Industries Refer to <i>Information Sheet: Restaurant and Hotel Industries</i> (DE 231E).	Subject Section 621(b) of the CUIC	Subject Section 621(b) of the CUIC	Subject Section 13009 of the CUIC	Reportable Section 13009.5 of the CUIC
Salespersons: Refer to <i>Information Sheet: Salespersons</i> (DE 231N). A. Common law employees.	Subject Section 621(b) of the CUIC	Subject Section 621(b) of the CUIC	Subject Section 13009 of the CUIC	Reportable Section 13009.5 of the CUIC
B. Real estate or direct sales salespersons.	Not subject if all three conditions in endnote 3 are met. Section 650 of the CUIC	Not subject if all three conditions in endnote 3 are met. Section 650 of the CUIC	Not subject if all three conditions in endnote 3 are met. Section 13004.1 of the CUIC	Not reportable if all three conditions in endnote 3 are met. Section 13009.5 of the CUIC
C. Traveling or City Salespersons. Refer to <i>Information Sheet: Statutory Employees</i> (DE 231SE).	Subject Section 621(c)(1)(B) of the CUIC	Subject Section 621(c)(1)(B) of the CUIC	Not subject Section 4304-1 of Title 22, CCR	Not reportable Section 13009.5 of the CUIC

See page 15 for endnotes.

Types of Employment	TREATMENT FOR TAX PURPOSES			
	Unemployment Insurance and Employment Training Tax ¹	State Disability Insurance	Personal Income Tax Withholding	Personal Income Tax Wages
Services on or in Connection With an American Aircraft or Vessel , and such services are subject to the Federal Unemployment Tax Act (FUTA). Refer to <i>Information Sheet: Foreign Employment and Employment on American Vessels or Aircraft</i> (DE 231FE).	Subject if the operations are ordinarily and regularly directed and controlled from the employer's California office. Sections 125.3, 125.5, and 609 of the CUIC	Subject if the operations are ordinarily and regularly directed and controlled from the employer's California office. Sections 125.3, 125.5, and 609 of the CUIC	Subject if services are performed on an aircraft by a California resident or by a nonresident if over 50 percent of the nonresident's scheduled flight time is in California. Section 13009 of the CUIC and Section 40116 of Title 49, U.S. Code. Not subject if services are performed on a vessel.	Reportable if services are performed on an aircraft by a California resident or by a nonresident if over 50 percent of the nonresident's scheduled flight time is in California. Section 13009.5 of the CUIC and Section 40116 of Title 49, U.S. Code. Not reportable if services are performed on a vessel.
Standby Employee doing no actual work in period for which paid.	Subject Section 926 of the CUIC	Subject Section 926 of the CUIC	Subject Section 13009 of the CUIC	Reportable Section 13009.5 of the CUIC
State Government and Political Subdivisions , ⁹ services performed as: A. An elected official. B. A member of a legislative body, or a member of the judiciary, or a state or political subdivision thereof. C. A member of a State National Guard, Ready Reserve, or Air National Guard.	Not subject Section 634.5(c)(1) of the CUIC	Not subject Section 634.5(c)(1) of the CUIC	Subject Section 13009 of the CUIC	Reportable Section 13009.5 of the CUIC
	Not subject Section 634.5(c)(2) of the CUIC	Not subject Section 634.5(c)(2) of the CUIC	Subject Section 13009 of the CUIC	Reportable Section 13009.5 of the CUIC
	Not subject Section 634.5(c)(4) of the CUIC	Not subject Section 634.5(c)(4) of the CUIC	Subject Section 13009 of the CUIC	Reportable Section 13009.5 of the CUIC

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Types of Employment	TREATMENT FOR TAX PURPOSES			
	Unemployment Insurance and Employment Training Tax ¹	State Disability Insurance	Personal Income Tax Withholding	Personal Income Tax Wages
State Government and Political Subdivisions,⁹ services performed as: (cont.) D. An employee serving on a temporary basis in case of fire, storm, snow, earthquake, flood, or other similar emergency. E. In a position which, under or pursuant to state law, is designated as either of the following: <ul style="list-style-type: none"> • A major, nontenured policy-making or advisory position. • A policymaking or advisory position, the performance of the duties of which ordinarily does not require more than eight hours per week. F. Employees of state or local governments and instrumentalities not included above. G. Fees of public officials.	Not subject Section 634.5(c)(5) of the CUIC	Not subject Section 634.5(c)(5) of the CUIC	Subject Section 13009 of the CUIC	Reportable Section 13009.5 of the CUIC
	Not subject Section 634.5(c)(6)(A) of the CUIC	Not subject Section 634.5(c)(6)(A) of the CUIC	Subject Section 13009 of the CUIC	Reportable Section 13009.5 of the CUIC
	Not subject Section 634.5(c)(6)(B) of the CUIC	Not subject Section 634.5(c)(6)(B) of the CUIC	Subject Section 13009 of the CUIC	Reportable Section 13009.5 of the CUIC
	Subject Section 605 of the CUIC	Not subject unless an approved election by a bargaining unit is in effect. Section 710.5 of the CUIC	Subject Section 13009 of the CUIC	Reportable Section 13009.5 of the CUIC
	Subject Section 926 of the CUIC	Subject Section 926 of the CUIC	Not reportable Section 4309-2(b) of Title 22, CCR	Not reportable Section 13009.5 of the CUIC
Students: A. Working for a public or private school, college, or university, if enrolled and regularly attending classes at that school. B. Spouse or registered domestic partner of student, if such person is advised at the time service commences at the school that employment is provided under a program to provide financial assistance to the student by the school, college, or university, and that employment will not be covered by Unemployment Insurance or State Disability Insurance.	Not subject Section 642 of the CUIC	Not subject Section 642 of the CUIC	Subject Section 13009 of the CUIC	Reportable Section 13009.5 of the CUIC
	Not subject Section 642 of the CUIC	Subject Section 13009 of the CUIC	Reportable Section 13009.5 of the CUIC	Reportable Section 13009.5 of the CUIC

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Types of Employment	TREATMENT FOR TAX PURPOSES			
	Unemployment Insurance and Employment Training Tax ¹	State Disability Insurance	Personal Income Tax Withholding	Personal Income Tax Wages
Students: (cont.)				
C. Under age 22 enrolled in a full-time program at a nonprofit or public education institution. Institution must normally maintain a regular faculty and curriculum and normally have a regularly organized body of students where its educational activities are located. Student's service must be taken for credit at such an institution. It must combine academic instruction with work experience. It must be an integral part of such program, and the institution must have so certified to the employer. Not subject unless program established solely for one employer or one group of employers.	Not subject unless program established solely for one employer or one group of employers. Section 646 of the CUIC	Not subject unless program established solely for one employer or one group of employers. Section 646 of the CUIC	Subject Section 13009 of the CUIC	Reportable Section 13009.5 of the CUIC
D. Student nurse working for a hospital or nursing school.	Not subject Section 645 of the CUIC	Subject if employed by a nonprofit or district hospital. Section 2606 of the CUIC. Not subject if employed by any other hospital or nursing school. Section 645 of the CUIC	Subject Section 13009 of the CUIC	Reportable Section 13009.5 of the CUIC
E. Full-time students ⁷ working for an organized camp. ⁸	Not subject Section 642.1 of the CUIC	Not subject Section 642.1 of the CUIC	Subject Section 13009 of the CUIC	Reportable Section 13009.5 of the CUIC
Temporary Services and Employee Leasing Industries Refer to <i>Information Sheet: Temporary Services and Employee Leasing Industries</i> (DE 231F).	Subject Sections 621(b) and 606.5 of the CUIC	Subject Sections 621(b) and 606.5 of the CUIC	Subject Section 13009 of the CUIC	Subject Section 13009.5 of the CUIC
Transcribers of depositions, court proceedings, and hearings performed away from the office of the person, firm, or association obligated to produce a transcript of the proceedings.	Not subject Section 630 of the CUIC	Not subject Section 630 of the CUIC	Not subject Section 4304-1 of Title 22, CCR	Not reportable Section 13009.5 of the CUIC

See page 15 for endnotes.

- ¹ Employers who have elected the “cost of benefits method” (i.e., “reimbursable method”) of financing Unemployment Insurance contributions or who have a negative reserve account balance are not required to contribute to the Employment Training Tax Fund.
- ² Subject if employer and employee voluntarily agree to withhold California Personal Income Tax.
- ³ Not subject if all three of the following conditions are met:
- a) The individual has the required license to perform the services or is in the business of in-person demonstration and sales presentation of consumer products in the home.
 - b) Substantially all payments are directly related to sales or other output.
 - c) Services are performed pursuant to a written contract that provides the individual will not be treated as an employee with respect to those services for state tax purposes.
- ⁴ Services are included if the employer’s principal place of business in the United States is in California or if the employer has no place of business in the United States but:
- a) The employer is an individual who is a resident of California, or
 - b) The employer is a corporation or limited liability company, which is organized under the laws of California, or
 - c) The employer is a partnership or a trust and the number of partners or trustees who are residents of California is greater than the number who are residents of any one other state.
- If none of the criteria above applies, but the employer has elected coverage in California or the employer has not elected coverage in any state and an individual has filed for benefits in California, based on such service.
- ⁵ Not subject if service is performed under written contract with all of the following provisions:
- a) Any federal or state income tax liability shall be the responsibility of the party providing the services.
 - b) No Disability Insurance coverage is provided under the contract.
 - c) The party performing the services certifies that he/she is doing so as a secondary occupation or as a supplemental source of income.
- ⁶ “Employment” excludes services performed by a nonresident alien for the period temporarily in the United States as a nonimmigrant under Section 3306(c)(19) of the IRC.
- ⁷ Full-time student – enrolled full-time for the current term of an academic year or, if between terms, for the immediately preceding period with a reasonable assurance of enrollment in the immediately subsequent period.
- ⁸ Organized camp – offers outdoor group living experience for social, spiritual, educational, or recreational purposes; must not operate more than seven months a year, or at least two-thirds of its previous yearly gross income must have been in any six of the 12 months of the year.
- ⁹ An elected official is not eligible to collect Unemployment Insurance benefits based on income earned from his or her service as an elected official.

NOTE: A registered domestic partner means an individual partner in a domestic relationship within the meaning of Section 297 of the Family Code.

The California Unemployment Insurance Code is available online at www.leginfo.ca.gov/calaw.html.

ADDITIONAL INFORMATION

For further information, please contact the Taxpayer Assistance Center at 888-745-3886 or visit your local Employment Tax Office listed in the *California Employer’s Guide* (DE 44) and on the EDD website at www.edd.ca.gov/Office_Locator/. Additional information is also available through the EDD no-fee payroll tax seminars and online courses. View the in-person and online course offerings on the EDD website at www.edd.ca.gov/Payroll_Tax_Seminars/.

The EDD is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. Requests for services, aids, and/or alternate formats need to be made by calling 888-745-3886 (voice) or TTY 800-547-9565.